CONSTITUTIONAL LAW—INTERSTATE COMMERCE—USE OF AUTOMATIC COUPLERS—POLICE POWER.—An Ohio law makes it unlawful for a common carrier engaged in business within the state to use cars not equipped with automatic couplers. (Sec. 3365—27 b. Rev. Statutes of Ohio.) *Held,* a valid and reasonable exercise of police power, and not a direct regulation of interstate commerce. *Detroit T. and I. Ry. Co.* v. *State* (1910), — Ohio —, 91 N. E. 869.

The contention of the railroad company is that since the cars in question were commonly carrying interstate commerce and were at the time of complaint a part of a train most of the cars of which were carrying interstate commerce, they were instruments of interstate commerce and exclusively under Federal control. Of course it is settled law that direct regulation of interstate commerce by a state is repugnant to the Constitution. *Atlantic Coast Line* v. *Wharton,* 207 U. S. 328. But laws passed in pursuance of the acknowledged power of the State having indirect effect upon interstate commerce are valid and enforceable in these merely incidental matters; and the state's control is not withdrawn, until action on the part of the United States comes into actual conflict with the state regulations at which time the United States regulations prevail. *Gibbons* v. *Ogden,* 9 Wheat. 1, 194; *Reid* v. *Colorado,* 187 U. S. 137; *Missouri Pacific Ry. Co.* v. *Larabee Flour Mills Co.,* 211 U. S. 612. This is done under the police power of the state, as a few examples will point out. It is a misdemeanor to transport cattle into Kansas without inspection. *Asbell* v. *Kansas,* 209 U. S. 251. Regulating speed of trains within corporate limits and the stops thereof at certain places may be valid police legislation. *The Chicago and Alton Ry. Co.* v. *Carlinville,* 200 Ill. 314; *Cleveland, etc. Ry. Co.* v. *Illinois,* 177 U. S. 514. So, also, forbidding freight trains to be run on Sunday, and requiring "full crews" are valid police regulation. *Hennington* v. *Georgia,* 163 U. S. 299; *Seale* v. *State,* 126 Ga. 644; *State* v. *Southern Ry. Co.,* 119 N. C. 814; *Pittsburgh, C. C. & St. L. Ry. Co.* v. *Indiana,* 172 Ind. 147. However, the states cannot regulate foreign and interstate commerce under the guise of inspection. *Patapsco Guano Co.* v. *North Carolina,* 171 U. S. 345. The principal case holds that though it may indirectly interfere with interstate commerce, the cars used usually in such commerce, are nevertheless under state control when they dip into intrastate commerce. This must be allowed in order to enforce the proper relation between Congress and the states. *Missouri Pacific Ry. Co.* v. *Larabee Flour Mills Co.,* 211 U. S. 612.

CORPORATIONS—MONOPOLIES—COLLATERAL CONTRACTS—DEFENSES. — A foreign corporation, having complied with the laws of Michigan, so as to enable it to do business within the state, sued certain of its agents to recover the purchase price of goods sold and delivered to such agents by the corporation. The agents attempted to defeat recovery by proof that plaintiff was a "trust" organized to create a monopoly in the manufacture and sale of harvesting and farm machinery in violation of Public Acts 1899, No. 255 and Public Acts, 1905, No. 329. *Held,* that the defense claimed is not available to, and cannot be maintained by the defendants. *International Harvester*